

Application Serial No. 10/542,077
Reply to Office Action of May 22, 2008

PATENT
Docket: CU-4322

REMARKS

In the Office Action, dated May 22, 2008, the Examiner states that Claims 1-19 are pending, Claims 1-19. By the present Amendment, Applicant amends the specification, the claims, and the drawings.

In the Office Action, the drawing figures are objected to for having drawing sheet numbering which is the same size as the reference numerals. Corrected drawings are submitted herewith that have enlarged drawing sheet numbers. No new matter has been added.

In the Office Action, the title is objected to for not being descriptive. By this amendment to for not being descriptive. By this amendment, the title has been amend to read as a "CONTAINER WITH AUTO-OPENING LID".

In the Office Action, Claims 6 and 7 are rejected as being indefinite as to whether the groove portion recited therein is the same or different from the groove portion recited in Claim 4. The claims have been amended to refer to first or second groove portions.

Bernstein discloses a container with an auto-opening lid in which the catch 136 of the lid 28 is engaged with the surface 150 of the container main body thereby to keep the lid 28 in a closed state. When the catch 136 is released from the surface 150 of the container main body, the lid 28 is transferred into an open state. The spring button 142 is guided for horizontal movement in the skirt 76 of the cover 22, which is part of the container main body (see Figs. 1, 15, and the last paragraph in column 4). The lock button 146 is supported by and guided for vertical movement in the frame 146, which is a part of the container main body. When the lock button is at it's pushed-down release position, it does not block the inward movement of the push button 142 as shown in Fig. 14. Then, the prong 160 of the push button 142 makes the catch 136 move inwardly so that the catch is released from the surface 150 of the container body. When the lock button is at its top lock position, it blocks the inward movement of the push button 142 as shown in Fig. 12. Then, the catch 136 is not moved inwardly so that the catch remains engaged with the surface 150 of the container main body.

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However, the present invention according to claim 1 has at least three characteristic features of (A) to (C):

- (A) a locking member is attached to the operation member;
- (B) when the locking member is at the locking position, the locking member is meshed with the lid that is in the closed state;
- (c) when the locking member is at the locking position, the locking member is abutted with respect to an operating direction of the operation member against a locking surface of the container main body.

None of these features are disclosed or taught in Bernstein.

As for (A), the lock button 146 (locking member) is not attached to the spring button 142 (operation member) in Bernstein. This is clearly shown in Fig. 15. This is also affirmed from the fact that the spring button 142 is guided for horizontal movement whereas the lock button 146 is independently guided for vertical movement, as described above.

As for (B), even when the lock button 146 is at the locking position, it is not meshed with the lid. The lid is meshed only with a part of the container main body, specifically with the surface 150 of the container main body.

As for (c), even when the lock button 146 is at the locking position, the lock button 146 is not abutted horizontally (with respect to an operating direction of the

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push button 142) against a locking surface of the container main body. The lock button 146 cannot be abutted horizontally against any part of the container main body, since the lock button 146 is guided for vertical movement.

Accordingly, Bernstein does not disclose any of the claimed features (A) to (c).

Furthermore, according to feature (A), the operation member can be assembled with the locking member before attaching them to the container main body. Thus, the operation member and the locking member can be easily attached to the container main body.

Moreover, according to the feature (B), the lid can be prevented from being unintentionally opened, even when the lid is meshed with the operation member, and is unintentionally released from the operation member due to some elastic deformation of the operation member, since the locking member serves as an auxiliary device which is meshed with the lid. Thus, the ability to prevent the lid from opening is enhanced by feature (B) in addition to feature (C).

Amended independent Claim 18 is characterized in that the operation member is disposed away from the inside of a film wrapped around the container main body, so as not to be contacted and rubbed by the film. Accordingly, the operation member can be protected in the container from damage caused by rubbing against the film.

Wells teaches a container main body formed in a constricted shape portion with a lock assembly 15 in the constricted central portion thereof. However, the container in Wells is not intended to be used in a wrapped form. Thus, Wells does not disclose nor teach the disposition of an operating member in the container wrapped by a film, as claimed.

With regard to Claim 19, Bernstein discloses a container with latches 36 as clearly shown in Fig. 7. A "latch" means a catch for fastening something, the cover 22 of a diaper pail in Bernstein. Namely, the latch 36 does not serve as a strap attachment portion to which a strap can be attached. Thus, Bernstein does not disclose nor teach a strap attachment portion in a sense of the present invention.

A new Claim 20 has been added, which depends from Claim 1.

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In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,



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Date

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